

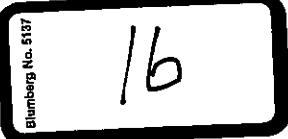
DEPOSITION OF JAMES C. OWENS

January 24, 2006

Pages 1 through 100

CONDENSED TRANSCRIPT AND CONCORDANCE PREPARED BY:

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1 Owens in this area. You consider the 2 south, which -- how extensive? 3 Q. Well, I'm trying to figure out for the 4 middle district. So instead of trying to 5 list all the counties in the middle 6 district, just if you think of Elmore 7 County south. 8 A. That would be it, then. 9 Q. Okay. Could you tell me where they're 10 employed? 11 A. Okay. Michael does body and paint shop for 12 himself. John is medically retired. 13 Q. Okay. 14 A. Carolyn works -- I want to say for KIM2HM. 15 She does that water testing. 16 Q. Okay. 17 A. And Ethel, she is retired. 18 Q. Okay. Would that cover your wife's 19 siblings, too? 20 A. Okay. South. Okay. That would -- you 21 would take -- 22 Q. We don't have to go as far as Mobile. 23 A. Okay. John Williams, he is a brickmason,	1 Q. Okay. 2 A. Organizations, CLAS, AEA. Montgomery East 3 Neighborhood Association. And churchwise, 4 I'm a pastor of a church. 5 Q. What church are you a pastor of? 6 A. Second Baptist Church. 7 Q. Here in Montgomery? 8 A. Yes, sir. 9 Q. All right. Have you pastored any other 10 churches besides Second Baptist? 11 A. One, First Baptist Church in Hope Hull, 12 about five years. 13 Q. All right. When you have had to hire 14 folks for positions in your schools, what 15 process have you -- or procedure have you 16 followed in hiring teachers and certified 17 employees? 18 A. Generally there is a list of names that you 19 can select from. You call an individual 20 in. You'll set up an interview time for 21 them to come. You talk with them and you 22 basically rank them in terms of one, two, 23 or three. One in my case would be the one
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1 self-employed, as is Richard Williams, 2 self-employed. Eli Williams, he's a truck 3 driver. 4 Q. Okay. If you can think of either 5 relatives' last names -- I don't want to go 6 through all cousins and everything, but 7 last names of relatives either by blood or 8 marriage just generally so we'll know kind 9 of that's in that area. 10 A. Most of my cousins, they live out of town. 11 Q. Okay. So not in this -- 12 A. No, not in this area. 13 Q. What about with your wife? 14 A. She has a host of them in Ramer, and I 15 would hate to try to remember all those 16 names. Just the last names -- 17 Q. Just last names. 18 A. Williams and Perrys. That would just about 19 take into account. 20 Q. Are you a member of any clubs or 21 organizations or churches in the Montgomery 22 area or south Alabama? 23 A. Yes.	1 that I would like to have. If for some 2 reason sometimes they're employed, you 3 write in a second or third choice. 4 Q. Okay. 5 A. And then you send the recommendation to the 6 elementary person in charge of hiring at 7 central office. 8 Q. In your years as a principal, how many 9 certified employees have you hired to work 10 at your schools? 11 A. Somewhere in the neighborhood of maybe five 12 to ten. 13 Q. Okay. Have you had anybody who was -- 14 A. Need to say not hired, but recommended. 15 Q. Sure. I understand. 16 A. Because the board... 17 Q. Have you had anybody who is your first 18 choice to be hired not get hired? 19 A. Well, not so much not get hired, but I 20 think someone else had employed them prior 21 to me recommending their name. I've had 22 that to happen. 23 Q. Okay. Have you had any situation where the

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1 right?
 2 A. No, sir.
 3 Q. That school system has to let them out,
 4 don't they?
 5 A. Yes, sir.
 6 Q. And if they just walk away, their
 7 certificate is subject to discipline, isn't
 8 it?
 9 A. Well, something can happen at the state
 10 level.
 11 Q. Okay. And so Mr. Lowe's school system that
 12 he was at was going to have to release him
 13 from that school system in order for him to
 14 take the employment here in Montgomery?
 15 A. That would be correct.
 16 Q. Now, I think you said you got a list of
 17 names for individuals for a reading coach
 18 position. Was that the way that position
 19 was advertised was for a reading coach
 20 position?
 21 A. Well, what it was, there were great talk --
 22 and you have to understand, we go to
 23 meetings all the time, and terminology and

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1 Q. Okay. Were you -- were you not aware at
 2 the time of whether it would be a nine or
 3 ten? Is that --
 4 A. I was looking at a nine-month contract.
 5 Q. You were thinking it would be nine months?
 6 A. Yes.
 7 Q. Okay. Did y'all discuss at that point when
 8 you were interviewing Mr. Lowe whether it
 9 would be nine or ten months?
 10 A. We didn't. Like I said, again, I told him
 11 when he goes down to fill out the final
 12 papers, fill out the papers, they would
 13 discuss it better with him. Then that way
 14 it would only be monogamous in terms of
 15 answer.
 16 Q. And I looked at an evaluation you did which
 17 we have in the documents of Mr. Lowe, but
 18 it lists him as a reading coach. Is that
 19 the duties he performed while at Daisy
 20 Lawrence?
 21 MS. CARTER: Object to the form.
 22 A. He performed reading tutor duties. Once
 23 the clarification of the title -- Mr. Lowe

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1 names are thrown around. The schools were
 2 supposed to have a reading coach, and you
 3 can get a reading coach through several
 4 means. Title I, the state actually hires
 5 coaches and puts them at the schools, and
 6 central office has a lot to do with it
 7 now.

8 My method at that time, Mr. Lowe's
 9 moneys came through the general fund. It
 10 was not Title I. We did not have a budget
 11 that was sufficient to get a reading coach
 12 at Daisy Lawrence.

13 Q. But the position that he and the others
 14 were being interviewed for was for a
 15 reading coach position?

16 MS. CARTER: Object to the form.

17 A. Yes, sir. To my knowledge, yes, sir.
 18 Q. Okay. And was this going to be -- did you
 19 know whether or not that would be a
 20 nine-month or ten-month position?

21 A. I told him that when he went down to the
 22 central office that they would talk to him
 23 about the length and term of the contract.

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1 and I talked when he came back, once he
 2 met, had met with Mr. Barker in the central
 3 office or whomever he met with, and said
 4 that he was hired on for a reading tutor.
 5 And I asked him at that time was he
 6 satisfied with that, and he said that that
 7 was the reason he left the other county for
 8 a reading coach. And I thought it was,
 9 too, to be honest.

10 Q. Okay. Mr. Lowe had said that he left the
 11 other county and turned his resignation in
 12 because he thought he was coming to be a
 13 reading coach?

14 A. That's correct.

15 Q. But he told you that he -- I guess
 16 subsequent to resigning from that position,
 17 he goes and meets with someone at the
 18 central office, and they told him, no, he's
 19 going to be a reading tutor; is that right?

20 A. Reading tutor. Yes, that's what he
 21 reported.

22 Q. But the actual duties or the job that
 23 Mr. Lowe did, was it a reading coach job?

1 A. Well, we didn't have one, and Mr. Lowe came
 2 in. His duties -- he had a list of
 3 students that he would tutor. That would
 4 be the phase of a reading tutor, to work
 5 with students that teachers have identified
 6 as struggling readers. Plus, we had
 7 another program there that Mr. Lowe
 8 assisted with, and his duties -- and part
 9 of the way that I operate as administrator,
 10 as other principals helped me along, we try
 11 to enhance another person's duty or bring
 12 them along as a leader. And that's
 13 basically what Mr. Lowe and I tried to work
 14 out.

15 There was a lot of things that he knew
 16 about reading already. Either he did the
 17 duties or I would have to -- had to do the
 18 duties, so we kind of worked together. But
 19 basically, he did everything except attend
 20 the meetings. He could not attend the
 21 meetings when they had a reading coach
 22 meeting.

23 Q. Okay. So he basically was performing those

1 instead of a reading coach?

2 A. No, sir, I never did get into that. He
 3 was -- after he came back from the meeting,
 4 I thought maybe it was satisfactory, what
 5 they had discussed. I did not usurp
 6 anyone's authority and I didn't get into
 7 Mr. Lowe's affairs after that. And later I
 8 think he was hired as a reading coach at
 9 Southlawn Elementary, I think, or something
 10 if I'm not mistaken.

11 Q. Okay. So he did some summer duty at
 12 Southlawn as a reading coach position?

13 A. Yes, sir.

14 Q. Okay. Did anybody -- I know you didn't
 15 inquire, hey, why didn't y'all -- why did
 16 y'all call him this if he's doing that, but
 17 did you ever get any kind of information
 18 from anyone in administration or the
 19 superintendent or from human resources
 20 about why he was being treated -- going to
 21 be called a reading tutor rather than a
 22 reading coach?

23 MS. CARTER: Object to the form.

1 duties of a reading coach and a reading
 2 tutor, but he couldn't go to the reading
 3 coach meetings?

4 A. No.

5 Q. Was that --

6 A. By virtue of his title.

7 Q. But I've accurately summarized it; is that
 8 right?

9 A. Yes.

10 Q. Is that correct?

11 MS. CARTER: Object to the form.

12 A. Yes.

13 Q. Now, do you know if the central office
 14 would send him materials or e-mails as if
 15 he was a reading coach?

16 A. Yes, sir.

17 Q. Okay.

18 A. He would get those. He would come in, we'd
 19 discuss it as to the best route to approach
 20 it.

21 Q. Did you ever speak with anyone in central
 22 office or the superintendent about why they
 23 would want to call him a reading tutor

1 A. No, sir.

2 Q. Okay. Did you have any conversations with
 3 Bullock County before Mr. Lowe came over?
 4 Did you talk to any of the officials there?

5 A. No, sir.

6 Q. In 2004-2005, did you become aware that
 7 Mr. Lowe had filed an EEOC complaint
 8 against the Montgomery County Board of
 9 Education?

10 A. No, sir.

11 Q. All right. Did you ever learn that he had
 12 filed an EEOC complaint?

13 A. I did.

14 Q. All right. When was that?

15 A. That was late. I can't exactly remember
 16 the exact date, but school was -- I can't
 17 even remember whether school was in or
 18 school was out, it was so late.

19 Q. Okay. Did you ever learn during the
 20 2004-2005 school year that Mr. Lowe had
 21 filed a lawsuit?

22 A. No, sir.

23 Q. Did you ever talk to Mr. Lowe about a

		Page 37	Page 39
1	lawsuit that he had filed with Montgomery	1	Q. Okay. Did you talk to Mr. Barker about the
2	County Board of Education or an EEOC	2	denial of the leave?
3	complaint?	3	A. I did.
4	A. No.	4	Q. All right. Did you get an explanation for
5	Q. Never came up?	5	the denial?
6	A. No, sir.	6	A. Mr. Barker is my superior, and if he writes
7	Q. Did you ever discuss with Mr. Lowe that --	7	something, if he says something, I'm going
8	or say anything, words to the effect that	8	to pretty much follow that.
9	he should not have filed a lawsuit against	9	Q. Sure. I didn't mean to imply that you were
10	Montgomery County Board of Education?	10	questioning or challenging him on it. I
11	A. No, sir. I would be crossing a line. No,	11	was just wondering if he ever said why he
12	sir.	12	denied it.
13	Q. Or did you ever say anything to him that	13	A. No, he didn't.
14	anyone in administration had informed you	14	Q. Okay. I guess you felt that it was an okay
15	that he shouldn't have filed a lawsuit --	15	thing for Mr. Lowe to do if you approved it?
16	A. No, sir.	16	A. Yes.
17	Q. -- or an EEOC complaint?	17	Q. And this was to speak at a function, a
18	A. No, sir.	18	seminar. Did you feel like Mr. Lowe was
19	Q. Did you ever say anything to him that you	19	knowledgeable and could present himself
20	felt like that there were persons in the	20	well enough at that seminar to speak at
21	administration of the school system that	21	that seminar?
22	had negative feelings about him?	22	A. Yes, sir. I'm trying to recall. I think
23	A. No, sir, I don't know that. No, sir.	23	it was in conjunction, too, with some class
		Page 38	Page 40
1	Q. Okay. You never relayed anything to him	1	he was taking. I can't remember exactly
2	about either Mr. Barker was -- didn't like	2	all of the specifics of it, but that's --
3	him for some reason or that some other	3	that's basically it.
4	school personnel may not like him for some	4	Q. Okay. Did Mr. Lowe apply for additional
5	reason?	5	leave for another seminar or conference?
6	A. No, sir.	6	A. Yes, sir. That's my signature there.
7	Q. In 2004-2005, did Mr. Lowe apply for leave	7	Q. Okay. And you approved that leave as well?
8	to attend a conference?	8	A. Yes, sir.
9	A. I believe it was one down in Biloxi, I	9	Q. But that leave was also denied, is that
10	believe it was.	10	right, by central office?
11	Q. Yes, sir. And -- I was going to see if I	11	A. Yes, sir.
12	could find it quickly and let you take a	12	Q. Were you ever told why that leave was
13	look at it.	13	denied?
14	Did you approve that leave?	14	A. No, sir.
15	A. Yes, sir, that's my signature.	15	Q. Did you have any other employees request
16	Q. That's Exhibit 13. All right. And what	16	professional leave and development that
17	date did you approve it on?	17	school year?
18	A. On -- according to this, 10/18/04.	18	A. Yes, sir.
19	Q. 10/18/04?	19	Q. All right. Who would normally approve
20	A. Yes, sir.	20	or -- from the central office or deny that
21	Q. Was this leave denied?	21	leave?
22	A. It was by Mr. -- I think Mr. Barker signed	22	A. Mr. Barker or Ms. Hicks.
23	it.	23	Q. Okay. Did you have any other employees

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1 whose leave was denied that year?
 2 A. It's hard to remember that. It would be
 3 hard to remember it because you're
 4 generally talking about 25 to 30 per year.
 5 Q. Anything stand out as you sit here today?
 6 A. No.
 7 Q. Okay. Did you have any leave that was not
 8 approved that year for you personally?
 9 A. I don't think that year, but I've had some
 10 denied, yes, sir.
 11 Q. Okay. What situations were denied for
 12 leave you wanted to take, do you remember?
 13 Was it to speak at conferences or --
 14 A. I think I was going to attend a workshop on
 15 mediation at the bar association.
 16 Q. And that got denied?
 17 A. Yes.
 18 Q. Okay. Any others you can think of?
 19 A. I think that that's the most recent one.
 20 Q. Did you have any discussions with Mr. Lowe
 21 about the denial of these leaves? Do you
 22 recall any of that?
 23 A. Any time they would send the information

1 some documents regarding Mr. Lowe and a
 2 reprimand at Southlawn Middle School?
 3 A. I did.
 4 Q. How did that come about? How did you get
 5 that? Did you request it or --
 6 A. No, sir. I don't know. I just opened an
 7 envelope. It was no name on it. Just --
 8 Q. Just showed up?
 9 A. Just addressed. That was it.
 10 Q. So you had made no request for that
 11 information?
 12 A. No, sir. I was not aware of it.
 13 Q. Was that the first you had seen of that
 14 letter of reprimand?
 15 A. Yes, sir.
 16 Q. Okay. Did that surprise you to get that,
 17 something from somebody's personnel file
 18 just in the mail anonymously like that?
 19 A. It's kind of unusual.
 20 Q. I wouldn't expect that happens very often,
 21 right?
 22 Q. What did you do regarding that?
 23 A. We had maintained a personnel folder on the

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1 back to me, I would have two methods of
 2 communicating with them: One, I would
 3 xerox a copy of the request, the initial
 4 request form, and tell them that it was
 5 approved or denied. If they needed a sub,
 6 it was approved, they would go ahead and
 7 get a sub. If it was denied, then I would
 8 just tell them they can refer that to the
 9 person that basically denied it.
 10 Q. All right. Do you recall if any leave was
 11 approved for Mr. Lowe in 2004-2005?
 12 A. I can't remember.
 13 Q. Do you recall ever any employees that went
 14 a whole year and didn't get any kind of
 15 leave of this nature for seminars approved?
 16 MS. CARTER: That worked for his
 17 school?
 18 MR. PATTY: Well, that he knows
 19 of, has personal knowledge.
 20 A. A whole year?
 21 Q. Yes, sir.
 22 A. No, sir, I couldn't recall that.
 23 Q. Okay. Did you ever receive in the pony

1 faculty, and we put that in it.
 2 Q. Okay. Did you ask Mr. Lowe about it, I
 3 mean, why were you getting this?
 4 A. I didn't get into it. I mentioned to him,
 5 but we didn't discuss it. I didn't want to
 6 hear anything concerning that. I was just
 7 interested in him doing the work that he
 8 was hired to do.
 9 Q. Did you talk to anyone at human resources
 10 about your receiving those documents?
 11 A. No, sir.
 12 Q. Did anyone ever come to you and say, I'm
 13 the one that sent it to you? Do you have
 14 any idea who sent it to you?
 15 A. I didn't -- I didn't go parading that
 16 around. I just put it in the file and I
 17 just --
 18 Q. Sure.
 19 A. -- left it there.
 20 Q. But you had not requested anything like
 21 that from the central office?
 22 A. No, sir.
 23 Q. Do you remember roughly when that was that

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1 you got those documents? It was in his 2 first year working with you, his second 3 year? 4 A. It was in his first year. 5 Q. Okay. Middle of the year, beginning, end? 6 A. I can't remember the exact period in the 7 year, but it was -- I want to say about two 8 months after he was on board the first year. 9 Q. Okay. Have you had any discussions with 10 Mr. Lowe about his lawsuit or EEOC 11 complaint at all? 12 A. No, sir. I don't know the contents of it 13 or anything. No, sir. 14 Q. Okay. And you've never said to him that 15 the board or Dr. Purcell is not going to 16 like that lawsuit or that EEOC complaint? 17 A. No, sir. 18 Q. Never said that he shouldn't have filed 19 it? 20 A. No, sir. 21 Q. Did you give Mr. Lowe a letter of 22 recommendation to -- 23 A. Yes, sir. He has requested I want to say	1 Q. And this was a job that the duties he had 2 satisfactorily carried out for you for two 3 years; is that right? 4 MS. CARTER: Object to the form. 5 A. Yes. 6 Q. Okay. Based upon his performance in that 7 job previously, you felt like he would be a 8 good candidate for this job at Paterson? 9 A. Yes. 10 Q. Okay. And tell me what happened. Did you 11 contact him first, or did you go to the 12 board and say, I want to contact Mr. Lowe, 13 or how did that work? 14 A. Well, first what you have to do is 15 determine your needs. You have to go 16 through Title I. You have to sit down with 17 the person that works with your school. 18 You go through your budgetary concerns. 19 You see whether or not you can entertain 20 the motion of having a reading coach. 21 There was three positions that I was 22 looking for at that time: Reading coach, 23 math tutor, and a writing tutor. Those
1 one or two letters of recommendation from 2 me. 3 Q. And you wrote those? 4 A. Of course. Sure. 5 Q. Okay. Now, during the summer of 2005, did 6 you have any contacts with Mr. Lowe? 7 A. During the summer? 8 Q. Yes, sir, this past summer. 9 A. Only time I talked with him is after I got 10 on board at Paterson, and I found that the 11 reading scores were low, and I found out 12 that he was not working. I talked to him 13 to see -- to find out whether he was 14 working, and if so, would he be interested 15 in working there because I had that 16 position. I was trying to get it approved, 17 and once I got it approved, I was going to 18 call him in for an interview. 19 Q. Did you contact Mr. Lowe for that position? 20 A. I did. 21 Q. Okay. And it was a reading coach position? 22 A. Yes, sir. We created one for four through 23 six.	1 were the primary concerns of Paterson at 2 that time. And you have to do a hire form, 3 and from there the persons in Title I would 4 go through Dr. Gwinn, which is director, 5 and from there we have an office downtown 6 in the federal programs. Mr. Dobbins is 7 over that. And sometimes -- I'm not real 8 sure when it gets downtown whether it's -- 9 when it's coming from Title I, whether it 10 goes through Mr. Barker or just the general 11 fund and the AR coaches. It gets kind of 12 funny down in there where -- when it comes 13 down to that, so I don't want to go too far 14 on that one. 15 Q. When Mr. Lowe worked with you previously, 16 y'all have to -- don't y'all have to code 17 jobs for your funds and stuff? Don't you 18 have to code what job each employee is 19 doing so that you get the moneys back from 20 the state? 21 A. Well, that would be done downtown. 22 Q. Okay. Well, did you know when Mr. Lowe 23 worked with you at Daisy Lawrence how he

1 was coded, if he was coded a reading coach,
 2 reading tutor, teacher? Do you know how he
 3 was coded at all?
 4 A. No. Once he came on board, his official
 5 title would have to be what he discussed
 6 with the person downtown.
 7 Q. Right.
 8 A. And it was reading tutor, and that's what
 9 that had to be.
 10 Q. But do you know how he was coded for budget
 11 purposes with the school system?
 12 A. No, sir. That would have been coming from
 13 out of finance.
 14 Q. All right. Now, let's back up or go back
 15 where we were. After you had I guess
 16 gotten the positions approved, did you have
 17 a reading coach, math tutor, and writing
 18 tutor all approved? All three of those
 19 slots approved?
 20 A. Yes, sir.
 21 Q. And did you hire personnel for all three of
 22 those slots at your school?
 23 A. Yes, sir.

1 position, like the people you talked to,
 2 your conversations with Mr. Lowe,
 3 conversations with central office, just
 4 anything you had relative to that position?
 5 A. I generally will keep the information that
 6 the person will bring in to me.
 7 Q. Sure.
 8 A. I have his folder.
 9 Q. Okay. Do you keep notes of your contacts?
 10 Say, if you talk to Mr. Lowe or if you talk
 11 to someone at central office regarding that
 12 position, do you keep notes on those?
 13 A. I think only -- I contacted central office
 14 once or twice, and I think I did it via
 15 e-mail.
 16 Q. Would you still have copies of those
 17 e-mails?
 18 A. Sure.
 19 Q. Okay. Did you ever write the central
 20 office a letter or anything regarding
 21 Mr. Lowe? Not just an e-mail, but a --
 22 A. No.
 23 Q. Okay. So any written materials you would

1 Q. Now, did you consider Mr. Lowe for the
 2 writing tutor or math tutor positions?
 3 A. Generally, when I looked at those
 4 positions, I was looking at a part-time
 5 person that would come in. I specifically
 6 asked about the reading coach position.
 7 Q. Okay. So the math tutor and writing tutor
 8 are part-time jobs?
 9 A. Right.
 10 Q. All right. Now, going to the reading coach
 11 position, once that -- when was that
 12 position approved for filling by the school
 13 system?
 14 A. I want to say in September, early September.
 15 Q. In early September?
 16 A. Prior to the 15th.
 17 Q. Okay. You say you contacted Mr. Lowe.
 18 When did you contact him about filling that
 19 position?
 20 A. I want to say around the 25th of August,
 21 somewhere near the end of August, somewhere
 22 down there at the end.
 23 Q. Did you keep a file regarding that

1 have for that job would either be your
 2 e-mail that you sent to the central office
 3 or materials that a candidate might have
 4 brought in to give you?
 5 A. Right.
 6 Q. Okay. You say you contacted Mr. Lowe
 7 August 25th?
 8 A. Somewhere in that neighborhood. The last
 9 weekend after I had looked at the budgetary
 10 concerns and assessed the problems there
 11 with a team of people at the school, we
 12 found those would be the greatest needs and
 13 the best ways to spend those moneys.
 14 Q. Did you ask the central office if they had
 15 a list of people for possible -- for that
 16 possible position prior to contacting
 17 Mr. Lowe?
 18 A. No, I didn't.
 19 Q. Okay. In handling personnel hirings in the
 20 system before, if a principal knows about a
 21 particular candidate being available or
 22 someone who may be qualified for that
 23 position, is there anything wrong with that

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1 principal contacting that individual to see
 2 if they've got any interest in the
 3 position?

4 MS. CARTER: Object to the form.

5 A. Well, basically, what you try to do, and
 6 the reason I contacted him primarily is
 7 because he had worked with me previously.

8 Q. Sure.

9 A. And I was trying to make sure that the
 10 individuals that worked with me previously
 11 had a job if I could help them in any way.

12 Q. Sure.

13 A. And that's why I called him up.

14 Q. Okay. But there was nothing inappropriate
 15 in your working here at Montgomery County
 16 Board of Education for you to do that?

17 A. No, sir. Because if he was on the list
 18 once, they had not taken him off the list.

19 Q. Sure. Okay.

20 Now, you met with -- you called
 21 Mr. Lowe. Can you tell me about that
 22 conversation, what you recall.

23 A. I just asked him, I said, are you working

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1 Q. To your knowledge, is there anybody on
 2 staff, that was on your staff at Daisy
 3 Lawrence other than Mr. Lowe that has not
 4 been rehired by the school system?

5 A. Only one, and I ran into her lately. She
 6 works with the school system as a
 7 part-time, Chastity Williams. She was an
 8 aide. She did not get full time. But
 9 certified, I think that he may be the only
 10 one that's not hired.

11 Q. So all certified folks except for Mr. Lowe
 12 got rehired; is that correct?

13 A. To my knowledge, yes.

14 Q. And the only person in the noncertified
 15 category would be a lady who's an aide --
 16 who was an aide; is that right?

17 A. Yes.

18 Q. And she's now working part time?

19 A. Right.

20 Q. Okay. How many folks did you have work
 21 with you at Daisy Lawrence?

22 A. I want to say it was about 25.

23 Q. Okay. At the end of the school year, is it

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1 now? And he said, no. I said, well, I may
 2 have something available if the board
 3 approves it. So I said, you need to get
 4 your resume and any other materials. I
 5 treated him just like -- even though I had
 6 worked with him, I treated him just like a
 7 first-time candidate.

8 Q. Do you know if all the other folks that
 9 worked at Daisy Lawrence with you got
 10 employed?

11 A. I'm not real sure of everyone. There was
 12 one person that still had not been hired in
 13 August, Mr. Brown, and I wrote the
 14 superintendent a letter trying to get him
 15 hired for behavior person. I did not know
 16 at the time that Mr. Lowe was not hired.

17 Q. What position did Mr. Brown have?

18 A. He was a behavior interventionist.

19 Q. Is he certified?

20 A. Yes, sir, he was certified.

21 Q. Certified?

22 A. Yes. But he was ultimately hired at
 23 Lanier, and that's why I couldn't --

1 the practice that the principal will turn
 2 in names to the superintendent of the
 3 nontenured teachers that they think should
 4 be renewed or nonrenewed for the upcoming
 5 year?

6 A. Yes, sir, we have such a practice.

7 Q. If Daisy Lawrence had not closed, would you
 8 have had a recommendation regarding
 9 Mr. Lowe, either to nonrenew him or renew
 10 him?

11 A. I would not have offered to tender a
 12 nonrenewal notice to him, no, sir.

13 Q. You would not have nonrenewed?

14 A. Would not have, no, sir.

15 Q. You would not have nonrenewed him?

16 A. No, sir.

17 Q. Okay. I was just trying to make sure.

18 Now, going back to -- you have a
 19 meeting with -- you have a conversation
 20 with Mr. Lowe, talk to him. Do you
 21 remember anything else in that conversation
 22 that y'all talked about?

23 A. No, sir, that was basically the extent of

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1 A. No, not at that time.
 2 Q. All right. At the time you submitted
 3 Mr. Lowe's name, had you interviewed
 4 anybody else?
 5 A. I hadn't interviewed anyone else. I had a
 6 couple of people in mind, but I hadn't
 7 interviewed them yet. And when I sent his
 8 nomination in, Mr. Barker ultimately called
 9 me and said that he would like for me to
 10 talk to some other candidates. Of course,
 11 I was cordial. I said sure.
 12 Q. Okay.
 13 A. And I was sent three names -- not real sure
 14 whose name was on the e-mail, but sent
 15 three candidates. I contacted them
 16 personally or my secretary contacted them,
 17 and from there we scheduled them to be
 18 interviewed.
 19 Q. Did Mr. Barker tell you why you needed to
 20 talk to these other three candidates?
 21 A. No, not to my knowledge, he didn't. He
 22 just said that he wanted me to talk to some
 23 more candidates.

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1 have you had any other reading coaches
 2 besides these two positions that you've
 3 hired?
 4 A. Well, the reading coach actually is a new
 5 position.
 6 Q. Okay.
 7 A. It's -- I mean, it's only been out maybe
 8 three or four years in this area.
 9 Q. Okay.
 10 A. So it's not something that's been long
 11 standing.
 12 Q. Okay. Did anyone at any point tell you
 13 that in order to hire a reading coach, a
 14 reading coach must have a certain rating or
 15 ranking from a committee?
 16 A. No, sir.
 17 Q. Okay. All you were told by Mr. Barker was,
 18 here, talk to these three other candidates?
 19 A. Not by him specifically. Ms. Mizelle would
 20 be tendering some names.
 21 Q. Okay.
 22 A. She tendered some names, three of them.
 23 Q. Okay. So Mr. Barker told you that

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1 Q. When you were having the --
 2 Now, to get the reading coach position
 3 approved, you couldn't do that on your own,
 4 right?
 5 A. No, sir.
 6 Q. Somebody --
 7 A. The board has to approve all personnel
 8 action.
 9 Q. Once that position was approved, did
 10 anybody instruct you that you had to go
 11 through any special process or unique
 12 process for hiring reading coaches?
 13 MS. CARTER: Object to the form.
 14 A. No, sir.
 15 Q. When you hired Mr. Lowe and interviewed him
 16 before back in 2003, did anybody tell you
 17 when you -- that you needed to go through
 18 any kind of special process to interview
 19 and hire reading coaches?
 20 MS. CARTER: Object to the form.
 21 A. No, sir.
 22 Q. Okay. And have you hired any other -- have
 23 you hired reading coaches before this or --

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1 Ms. Mizelle would be tendering some names
 2 to you?
 3 A. Yes.
 4 Q. Okay. Did you feel like anything that you
 5 did in that process up to that point was
 6 inappropriate or wrong?
 7 A. No, sir.
 8 MS. CARTER: Or what?
 9 MR. PATTY: Or wrong.
 10 Q. Did you feel like anything that you were
 11 doing in interviewing Mr. Lowe and
 12 recommending his name was out of line with
 13 what your experiences had been in the
 14 Montgomery school system?
 15 MS. CARTER: Object to the form.
 16 A. Well, you know, a little bit. Generally,
 17 you know, didn't get that much static
 18 behind it. You either do it and they --
 19 meaning the board -- approves it. The
 20 person you send the name in to, they would
 21 tender it up to the superintendent, the
 22 superintendent then would put it on the
 23 personnel action, the board vote it up or

1 down.

2 Q. Okay. So normally you would submit a name
3 like Mr. Lowe's, and he would go to the
4 board and the board would vote it up or
5 down, basically, is how it worked; is that
6 correct?

7 A. That's correct.

8 Q. And in this situation, instead, you got
9 told you need to talk to these other
10 people; is that right?

11 A. That's correct.

12 Q. And Connie Mizelle would let you know --
13 MS. CARTER: Can you answer

14 out loud? I'm sorry. I don't
15 want to stare at you when
16 you're talking, and I can't
17 hear what you're saying.

18 THE WITNESS: I'm sorry.

19 Q. Three additional names that you got from
20 Connie Mizelle were -- Strike that.

21 The three names you got from Connie
22 Mizelle, was Mr. Lowe's name in that list?

23 A. His name was not in that list.

1 consideration?

2 A. Yes, that was. Yes.

3 Q. Now, after you made -- Did you make that
4 recommendation in writing? Was it an
5 additional form that you submitted?

6 A. E-mail.

7 Q. E-mail?

8 A. Yes.

9 Q. Did you say in that e-mail, I want to -- I
10 still would like to hire Mr. Lowe, or what
11 did you --

12 A. I can't remember the exact wording, but
13 Mr. Lowe was the first choice. And I think
14 subsequent to that, I said that my second
15 choice would be another person.

16 Q. Okay. Who was your second choice, do you
17 remember?

18 A. Yes.

19 Q. Who was that?

20 A. Ms. Freeny.

21 Q. Ms. Freeny.

22 Now, in this e-mail that you sent, did
23 you put your first and second choice in

1 Q. All right. Did they mention Mr. Lowe in
2 that list of three names at all?

3 A. No, sir.

4 Q. When you got that list, did you interview
5 those three people?

6 A. Yes, sir.

7 Q. And did you subsequent to interviewing
8 those three people make a recommendation as
9 to who you wanted to hire?

10 A. Yes, sir.

11 Q. All right. Who did you recommend?

12 A. I recommended Mr. Lowe again.

13 Q. Okay. And was that based upon your years
14 of experience and training and work as a
15 principal and administrative assistant that
16 you felt like he was the best candidate for
17 that job?

18 MS. CARTER: Object to the form.

19 A. Yes, sir. In looking at the material that
20 was brought and the questions that had been
21 put forth, I thought he was.

22 Q. And based upon the interviews you
23 conducted, was that part of your

1 that e-mail or did you just put Mr. Lowe
2 and then later gave them Ms. Freeny's
3 name?

4 A. I want to think that I put both on the --
5 I'm not absolutely sure on that.

6 Q. Okay. Would you still have that e-mail, do
7 you think?

8 A. I think, yes.

9 Q. Now, what was the response you received
10 from that e-mail?

11 A. I didn't get a response. It was a few
12 weeks, couple of weeks.

13 Q. Did you make inquiries about what was going
14 on?

15 A. I called to Ms. Winborne and called
16 Mr. Barker once or twice. And after
17 about -- I want to say a couple of weeks, I
18 went down just to see where we were because
19 time was of essence, especially with your
20 student population. And I didn't talk to
21 Mr. Barker, but I talked to Ms. Winborne.
22 She works with the elementary. And she
23 didn't elaborate, but she just said -- I

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1 Q. Go ahead.
 2 A. You have -- she was already employed by the
 3 board, so you're talking about two to three
 4 weeks.
 5 Q. Okay. How long did it take her to come on
 6 board as a reading coach?
 7 A. Two to three weeks. She was holding down a
 8 teaching slot at another school, and they
 9 had to advertise her position first before
 10 she could be released.
 11 Q. All right. Did they let you know, though,
 12 when she was cleared to be hired for that
 13 position after you said, okay, I'll take
 14 Ms. Freeny if I can't have Mr. Lowe?
 15 A. Well, my conversation with Ms. Winborne,
 16 that she would be hired.
 17 Q. Okay.
 18 A. I didn't know a specific date.
 19 Q. Okay. You just -- you were just told that
 20 she would get it. I guess immediately
 21 after you said, I'll take Ms. Freeny if I
 22 can't have Mr. Lowe, you were told, okay,
 23 Ms. Freeny would be hired? Is it basically

1 MS. CARTER: What's her name?
 2 THE WITNESS: Eleanor Sweeney --
 3 Freeny.
 4 MR. PATTY: Freeny. I'm sorry.
 5 MS. CARTER: Freeny. Well, I
 6 started reading something, and
 7 I thought we were either on a
 8 different job --
 9 MR. PATTY: I'm sorry.
 10 A. Eleanor Freeny.
 11 Q. All right. Have you ever had someone that
 12 you hired who had to obtain an emergency
 13 certificate or alternative certificate?
 14 A. No, sir.
 15 Q. Okay. Never had that come up?
 16 A. No, sir. I wouldn't do that. No, sir.
 17 Q. Did anyone try to say anything directly to
 18 you to try to dissuade you from hiring
 19 Mr. Lowe?
 20 A. No, sir.
 21 Q. Just told you, you can't hire him?
 22 MS. CARTER: Object to the form.
 23 I don't think he testified

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1 how --
 2 A. Not quite that way.
 3 Q. Okay.
 4 A. I had to send the name in, so you're
 5 talking about two or three days afterwards.
 6 Q. Okay.
 7 A. And that she would contact Ms. Freeny to
 8 see if she was still interested in the
 9 job.
 10 Q. So it was in two or three days after you
 11 said you'd take Ms. Sweeney that you were
 12 told she would be hired?
 13 A. Not that she would be hired, but that she
 14 would contact her to see if she was still
 15 interested in the job. Because you're
 16 looking at maybe three weeks in between
 17 that.
 18 Q. Okay. How long after Ms. Sweeney said she
 19 was interested and would take the job was
 20 it that she was -- that you were told that
 21 she would be hired?
 22 A. As soon as possible.
 23 Q. Okay.

1 that he was told that.
 2 THE WITNESS: No.
 3 Q. You couldn't hire him.
 4 MS. CARTER: Object to the form.
 5 I don't think he testified to
 6 that either.
 7 A. No. I just asked again whether I could
 8 hire Mr. Lowe, and she said no, and that
 9 was it.
 10 Q. Okay. You asked if you could hire
 11 Mr. Lowe. She said no. Okay. Did
 12 anybody -- other than that comment, did
 13 anyone try to dissuade you from hiring
 14 Mr. Lowe?
 15 A. No, sir.
 16 Q. Okay. Has anyone at the board ever
 17 expressed any -- with administration --
 18 any negative feelings about Mr. Lowe to
 19 you?
 20 A. Not to my knowledge, no, sir.
 21 Q. Okay. Do you think you were qualified to
 22 make the decision about whether or not to
 23 hire Mr. Lowe for the reading coach?

1 MS. CARTER: Object to the form.
 2 A. I wouldn't approach it in that way. It has
 3 to do with the chain of command, and you
 4 have to make your recommendation.
 5 Q. Sure.
 6 A. And the central office through Mr. Barker's
 7 office can make adjustments.
 8 Q. Okay. And I guess I'm -- I understand
 9 that chain of command, and I'm not really
 10 asking who has the authority. But in doing
 11 what you were doing, in making interviews
 12 and making decisions about what employees
 13 to recommend for hiring, do you feel like
 14 your experience and training and your work
 15 in the school system, you had the
 16 qualifications to make that kind of
 17 recommendation?
 18 MS. CARTER: Object to the form.
 19 A. Only thing I can say is inherent with the
 20 authority as principal, you can make
 21 recommendations for personnel.
 22 Q. Sure.
 23 A. But whether they be hired or not...

1 Q. If you were trying to balance or the
 2 Montgomery public school was trying to
 3 balance, they would have told you to hire
 4 men?
 5 MR. PATTY: Object to the form.
 6 A. More men.
 7 Q. But you were never told that you had to
 8 hire one gender or another under any
 9 circumstance; is that correct?
 10 MR. PATTY: Object to the form.
 11 A. That's correct.
 12 Q. I think Mr. Patty asked you about this. Is
 13 it your recollection that you never were
 14 told by Jimmy Barker that the reason that
 15 you needed to re-interview candidates was
 16 because Mr. Lowe had not been highly
 17 recommended out of the committee?
 18 MR. PATTY: Object to the form.
 19 A. That's correct.
 20 Q. You just don't remember that?
 21 A. I do not remember him saying that.
 22 Q. Do you know for a fact that he didn't tell
 23 you that, or are you just saying you don't

1 Q. I understand. I understand.
 2 Have you ever been told by Mr. Barker
 3 or anyone in human resources that you
 4 needed to hire a woman?
 5 A. No, sir.
 6 Q. Have you ever been told that you needed to
 7 have more diversity in your staff or get
 8 more women involved in your staff, you had
 9 too many men, anything like that?
 10 A. No, sir.
 11 MR. PATTY: I may be just about
 12 done.
 13 MS. CARTER: Take a little break?
 14 (Brief recess.)
 15 EXAMINATION
 16 BY MS. CARTER:
 17 Q. Dr. Owens, when you were the principal at
 18 Daisy Lawrence, did you have more women or
 19 male teachers there?
 20 A. Had more female teachers.
 21 Q. Okay. You wouldn't have needed to hire
 22 women to balance your staff, would you?
 23 A. No.

1 remember that conversation?
 2 MR. PATTY: Object to the form.
 3 A. I just don't remember that part of the
 4 conversation.
 5 Q. Okay. Did you communicate with Mr. --
 6 Mr. Barker was the person who told you
 7 that you needed to talk to additional
 8 people, correct?
 9 A. That's correct.
 10 Q. But he's not the person who gave you the
 11 names of those people to talk to?
 12 A. I can't be sure who sent the e-mail out. I
 13 don't want to say that -- I don't think his
 14 name was on it. I believe it was Connie
 15 Mizelle.
 16 Q. Okay. And she forwarded the names of
 17 individuals?
 18 A. Via e-mail.
 19 Q. So it's your testimony that you just don't
 20 know where they got those three names of
 21 people, then?
 22 MR. PATTY: Object to the form.
 23 Q. Those three names? That there was no

1 communication with you about who those
 2 people were?

3 A. No. I didn't know either one until I
 4 interviewed them.

5 Q. And just to be clear or so I'm clear, when
 6 you recommended -- when you initially
 7 recommended Mr. Lowe, you didn't interview
 8 anybody else for the job?

9 A. That's correct.

10 Q. And you did not have any communication with
 11 the office of curriculum and instruction
 12 about individuals that had been interviewed
 13 for coaching positions?

14 A. No, ma'am.

15 Q. Okay. So you had -- so I guess at that
 16 point, isn't it fair to say that you didn't
 17 know whether Melvin Lowe had even been
 18 interviewed by them?

19 MR. PATTY: Object to the form.

20 A. Well, his name was on a list. Reading
 21 coaches were interviewed, and his name had
 22 not been taken off the list

23 Q. From the year before?

1 A. Yes, ma'am.

2 Q. Okay. All right. Is it correct that
 3 professional development budgets are based
 4 on per school? For example, if I worked
 5 for you as a teacher and I get to go on a
 6 professional development trip, it comes out
 7 of that school's budget?

8 A. That's correct.

9 Q. And is it also true that that budget is
 10 based on the number of teachers the school
 11 has?

12 A. That's correct.

13 Q. And is it fair to say that Daisy Lawrence
 14 had a very, very small staff of teachers
 15 compared to other schools?

16 A. Right. That would be around 13 or 14
 17 certified staff.

18 Q. Okay. I want to show you what's been
 19 marked by the plaintiff's attorney or by
 20 Mr. Lowe's attorney as Plaintiff's Exhibit
 21 5.

22 MS. CARTER: I'll represent on the
 23 record that during the break,

1 I showed Mr. Owens that
 2 Plaintiff's Exhibit 5 and
 3 asked him to review it.

4 Q. When I showed you that exhibit during the
 5 break, is that the first time you had ever
 6 seen that e-mail?

7 A. It is.

8 Q. Okay. And this e-mail is dated June 22nd,
 9 2005; is that correct?

10 A. 22nd, yes, 2005.

11 Q. And in your review of this e-mail, were
 12 there any statements made by Mr. Lowe in
 13 this e-mail about you or about
 14 conversations he had with you that you
 15 believe are untrue?

16 A. Yes. I don't know why they are there, but,
 17 you know, they are. It's a written
 18 communication.

19 Q. Did you ever tell him that he was never
 20 going to have a chance in the school system
 21 unless he got rid of his Mercedes and
 22 changed his dress code?

23 A. No, ma'am.

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1 have affected your decision to recommend
2 him for the job as reading coach?
3 MR. PATTY: Object to the form.
4 A. It would have stained it somewhat, yes,
5 ma'am.
6 Q. Do you know anything that you've ever done
7 to Mr. Lowe to make him say things about
8 you that were not true?
9 A. No, ma'am.
10 Q. Did you ever have any conflict with him?
11 A. No, ma'am.
12 Q. And just to be clear on the record today,
13 have you ever had any conversations with
14 him about his lawsuit or telling him that
15 his lawsuit had messed up his career in any
16 way with Montgomery public schools?
17 A. No, ma'am.
18 Q. You've testified that after you recommended
19 Melvin Lowe that you had not interviewed
20 anybody else, and that you were then told
21 you had to interview some other people. I
22 think your testimony is you believed that
23 Connie Mizelle sent you those three names;

1 Q. And let's be clear on the time line about
2 that. You -- and we're skipping back to
3 the fall of 2003. You interviewed
4 Mr. Lowe, and after the interview he went
5 to central office; is that correct?
6 A. That's correct.
7 Q. When he came back from central office, is
8 that when he told you that the position
9 they were offering was a tutor position?
10 MR. PATTY: Object to the form.
11 Q. I'm sorry. Did I say it wrong?
12 A. A reading tutor position.
13 Q. Okay. Is that when he told you that?
14 MR. PATTY: Object to the form.
15 A. Yes.
16 Q. And did you ask him if he was okay with
17 that or if he was going to accept the job
18 under those circumstances?
19 A. Right. I asked him that at that time.
20 Q. And did he say yes, he was going to take
21 the job?
22 MR. PATTY: Object to the form.
23 A. He worked.

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1 is that correct?
2 A. That's correct.
3 Q. Do you know, sitting here today, whether
4 it's -- whether or not it's true that those
5 three names were people that ranked very
6 high during the interviews for reading
7 coaches?
8 MR. PATTY: Object to the form.
9 Q. I mean, do you know one way or the other?
10 A. I couldn't be sure of that.
11 Q. When you hired -- when you went to
12 Paterson this year and hired a reading
13 coach, is it correct that this is the first
14 school that you've been principal of or
15 worked at that was hiring a reading coach?
16 MR. PATTY: Object to the form.
17 A. If we hold true to that Mr. Lowe's position
18 at Daisy Lawrence was a reading tutor, then
19 that statement would be true.
20 Q. Okay. Well, is there any question that
21 Mr. Lowe was hired as a reading tutor?
22 A. Not now. It wasn't after he left the
23 central office. I think that was clear.

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1 Q. Okay. So in your mind, from that day
2 forward, was there any question that his
3 contract with Montgomery public schools was
4 for a reading tutor position?
5 MR. PATTY: Object to the form.
6 A. I brought closure to it after he started to
7 work, yes, as a reading tutor.
8 Q. Okay. You've said that he performed the
9 duties of a reading coach or some of the
10 duties --
11 A. Yes, ma'am.
12 Q. -- as a reading coach in your school?
13 A. Yes, ma'am.
14 Q. How were you aware of what reading coaches
15 were doing in other schools?
16 A. Well, basically, by the nature of the job.
17 If you regulate a person being a teacher
18 tutor, they will only tutor certain
19 students that the teachers have found to be
20 struggling. Mr. Lowe had developed and
21 worked direct instruction, interventionist
22 funding for reading, and he was actually
23 able to assist the teachers. And that's

1 how you draw the distinction between a
 2 reading tutor and a reading coach.
 3 Q. Okay. Was he required to do that while he
 4 worked for your school?
 5 MR. PATTY: Object to the form.
 6 A. He did -- he performed those duties and
 7 e-mails, whatever the school needed. If he
 8 did not do it, then I had to do it. That's
 9 the way it worked.
 10 Q. What was your average student attendance
 11 the last year Daisy Lawrence was open?
 12 A. The last year, Daisy Lawrence enrollment
 13 peaked at about I want to say about 55 or
 14 60.
 15 Q. So any given day, you would have 55 or 60
 16 students there?
 17 A. Well, that's not the way that alternative
 18 school works. There are students coming in
 19 and going out.
 20 Q. Okay. So on a day, what did y'all
 21 average -- during that last school year,
 22 average a day for student attendance?
 23 A. The first part of the year, you're

1 talking about maybe 35, 40, and the
 2 latter months you're talking about --
 3 February, March, just say March and
 4 April when the talk began to swirl about
 5 closing, we were averaging somewhere
 6 between 13 and 15 because a lot of them had
 7 been -- had exited the program after
 8 December.
 9 Q. Okay. Bill might have already asked you
 10 this. If he did, I apologize. Did you
 11 know Mr. Lowe's mom or anything about a
 12 lawsuit she's ever filed against the school
 13 system?
 14 A. No, ma'am.
 15 Q. That's it.
 16 EXAMINATION
 17 BY MR. PATTY:
 18 Q. Did anybody ever tell you anything about
 19 needing to contact a curriculum and
 20 instruction committee about reading coach
 21 interviews?
 22 A. Mr. Barker contacted me and told me to
 23 contact Ms. Mizelle.

1 Q. Yes, but before that had anybody told you
 2 that?
 3 A. No, sir.
 4 Q. Okay. And Ms. Freeny. Where had she
 5 worked prior to coming to work with you as
 6 reading coach?
 7 A. Brewbaker Intermediate School.
 8 Q. And what was her position there?
 9 A. She was a classroom teacher.
 10 Q. What did she teach?
 11 A. Basic social.
 12 Q. All right. Was it a block type thing where
 13 she was teaching basic social to different
 14 grades, or was it -- did she have one grade
 15 or do you know?
 16 A. A school that size, you're probably going
 17 to be departmentalized probably.
 18 Q. All right. And do you know if she had
 19 taught reading before?
 20 A. Yes, sir.
 21 Q. All right. Where had she taught that?
 22 A. At --
 23 Q. Brewbaker?

1 A. -- Brewbaker, yes, sir.
 2 Q. Do you know how long she had taught
 3 reading?
 4 A. She told me she had been teaching reading a
 5 long time. Exact number of years, I
 6 couldn't say.
 7 Q. Okay. Was she teaching reading, though, at
 8 the time she moved from Brewbaker to your
 9 school?
 10 A. Yes, sir. All teachers are reading
 11 teachers in that block. We have a block of
 12 time.
 13 Q. Okay. Would she be -- would it be a
 14 self-contained class she was teaching
 15 or --
 16 A. Well, that depends on the assessment and
 17 the placement of students.
 18 Q. All right. Had she been through any
 19 reading coach training program as far as
 20 you know?
 21 A. Not to my knowledge.
 22 Q. And what was her last degree, highest
 23 degree?

1 A. She has a master's degree.
 2 Q. What's it in, do you know?
 3 A. Elementary education.
 4 Q. And where is that degree from?
 5 A. I can't remember that.
 6 Q. All right. Do you remember her
 7 certification?
 8 A. Her certification was in elementary
 9 education.
 10 Q. Teaches elementary ed?
 11 A. Right.
 12 Q. And do you remember if it was K through 12
 13 or just K through six?
 14 A. I think it's K through six. Sometimes you
 15 can get reading that would go up to maybe
 16 ninth grade in elementary school.
 17 Q. Okay. And how long had she worked as a
 18 teacher?
 19 A. Nineteen years.
 20 Q. And how long had she worked in this
 21 particular system?
 22 A. Nineteen.
 23 Q. Nineteen? She's always been in

1 Q. Other than on-the-job training, so to
 2 speak?
 3 A. Right.
 4 Q. Okay. Had she ever had a position where
 5 she would have dealt with teachers in the
 6 type -- in a role similar to what a reading
 7 coach does?
 8 A. No, sir.
 9 Q. Okay. That's all I have.
 10 MS. CARTER: I remembered what I
 11 forgot to ask him.
 12 EXAMINATION
 13 BY MS. CARTER:
 14 Q. You testified that some stuff was --
 15 something was mailed to you about a
 16 reprimand that Melvin got at Southlawn, and
 17 it was just in an envelope?
 18 A. Yes.
 19 Q. Is that right? And it just showed up?
 20 A. Yes.
 21 Q. Was it mailed to you at school?
 22 A. At school.
 23 Q. Okay. What did it contain? What was it?

1 Montgomery?
 2 A. Yes.
 3 Q. Okay. Did you know her prior to this, her
 4 coming on board with you?
 5 A. No, sir.
 6 Q. Do you know if she had worked in any
 7 reading coach position prior to her coming
 8 to work for you at Paterson?
 9 A. No, sir. That was one of the questions I
 10 asked them during the interview. No.
 11 Q. Do you know if her master's degree would
 12 have any specialized courses regarding
 13 reading?
 14 A. No, sir.
 15 Q. Do you know --
 16 MS. CARTER: No, it doesn't, or
 17 no, you don't know?
 18 THE WITNESS: I'm not sure of
 19 that.
 20 Q. Do you know if she has any specialized
 21 reading training or course work or --
 22 A. Other than working at a school, teaching
 23 reading, no, sir.

1 Was it just a copy of his reprimand or was
 2 there additional information?
 3 A. Just a copy of the reprimand.
 4 Q. Do you have any idea where it came from?
 5 A. No, I do not.
 6 Q. Do you know if it was a mad parent who
 7 was mad that Melvin got a job back with
 8 MPS?
 9 A. I certainly hope that a parent wouldn't
 10 have that, but I --
 11 Q. Do you know?
 12 A. I have no earthly idea where it came
 13 from.
 14 Q. Do you know if it was from a teacher?
 15 A. I have no earthly idea.
 16 Q. Okay. Did anybody ever tell you that
 17 somebody in HR sent that to you?
 18 A. No, ma'am.
 19 Q. And that came to you a couple months after
 20 he started back work with you at Daisy
 21 Lawrence, right?
 22 A. About two months. The first -- not after
 23 he started back work, but that year, the